ORDER RECEIVED FOR FILING
Date // // // //
By

IN RE: PETITION FOR VARIANCE

N/S Old Edmondson Avenue, 265'E

of the c/l Ingleside Avenue (614 Old Edmondson Avenue) 1st Election District

1st Councilmanic District

John Corbitt, et al

Petitioners

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 97-179-A

\*

\* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 614 Old Edmondson Avenue, located in the vicinity of Ingleside Avenue in Catonsville. The Petition was filed by the owner of the property, John Corbitt (for himself and all others), through his attorney, John V. Murphy, Esquire. The Petitioners seek relief from Section 232.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 1 foot in lieu of the required 20 feet, and from Section 409.6 of the B.C.Z.R. to permit 19 parking spaces in lieu of the required 26 for a proposed two-story addition. The subject property and relief sought are more particularly described by the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were John Corbitt, co-owner of the property, Paul Lee, Professional Engineer who prepared the site plan for this property, and his attorney John V. Murphy, Esquire. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.4799 acres, more or less, zoned B.L.-C.N.S., and is improved with a two-story brick and frame commercial building. The building is currently vacant at this time, however, Mr. Corbitt wishes to move his own

business into the first floor of the building and utilize the second floor as rental space. The Petitioner seeks the relief requested in order to construct a two-story addition on the north side of the subject building. The proposed addition will provide additional office space on the second floor as well as accommodate an elevator which is necessary in order to provide access to the second floor for handicapped individuals. Due to the size requirements for the elevator and accompanying utility shaft, and the office space proposed for the second floor, the proposed addition will be 20 feet wide by 60 feet deep.

As a result of the proposed expansion to the building and mixed uses therein, relief is necessary from parking requirements. Petitioner originally requested approval of 19 parking spaces in lieu of the required 26; however, from the time of filing the Petition to the date of the hearing, a recalculation of the parking requirements was performed and it was determined that the number of parking spaces required for this site is 31, not 26. This is due to the fact that the use of the building has been altered somewhat to allow for a mixed use of both retail and office space. Parking requirements for office space are calculated differently from that required for retail space, which requires a greater number of parking spaces based on the square footage of the retail space proposed. In order to provide the required number of additional parking spaces, the Petitioners modified the original site plan and are now able to provide an additional three parking spaces, as shown on the revised site plan which was submitted and marked into evidence as Petitioner's Exhibit 2. three additional spaces are located along the front of the building on Old Edmondson Avenue. The Petitioner further testified that he has obtained the permission of the adjacent dry cleaning business to utilize three of



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their parking spaces, so that he is now able to provide 25 parking spaces total, 22 of which are on-site. The Petitioners originally requested a variance to permit 19 parking spaces in lieu of the required 26, or, a variance of 7 parking spaces. The Petitioners are now able to provide 25 parkings spaces in lieu of the required 31 (as adjusted), or, reduced the number of parking spaces to be varianced to 6.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented,

I am persuaded to grant the variances. It is clear that practical difficulty or unreasonable hardship will result if the variance is not granted.

It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special condi-

tions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26% day of November, 1996 that the Petition for Variance seeking relief from Section 232.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 1 foot in lieu of the required 20 feet, and from Section 409.6 of the B.C.Z.R. to permit 25 parking spaces in lieu of the required 31 (as modified herein) for a proposed two-story addition, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Within sixty (60) days of the date of this Order, the Petitioner shall provide a copy of the lease agreement entered into with the adjacent dry cleaning business demonstrating that he has secured the right to lease three of that business's parking spaces.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs



# Baltimore County Zoning Commissioner Office of Planning and Zoning

Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

November 26, 1996

John V. Murphy, Esquire 14 N. Rolling Road Catonsville, Maryland 21228

RE: PETITION FOR VARIANCE
N/S Old Edmondson Avenue, 265'E of the c/l Ingleside Avenue
(614 Old Edmondson Avenue)
1st Election District - 1st Councilmanic District
John Corbitt, et al - Petitioners
Case No. 97-179-A

Dear Mr. Murphy:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Mr. John Corbitt

105 North Rolling Road, Catonsville, Md. 21228

Mr. Paul Lee

304 W. Pennsylvania Avenue, Towson, Md. 21204

People's Counsel

ase File



# tion for Varian

### to the Zoning Commissioner of Baltimore County

for the property located at

614 Old Edmondson Avenue

which is presently zoned

BL-CNS

S

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

232.3B of the BCZR to permit a rear yard of 1 ft. in lieu of the required 20 ft. and a variance to section 409.6 of the BCZR to permit 19 parking spaces in lieu of the required 26 parking spaces.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Second floor is not handicap accessible via elevator which proposed two-story addition would house along with other amenities and office space. Lot is too small to provide all required parking.

Property is to be posted and advertised as prescribed by Zoning Regulations.

i, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Burchaser/Lessee: ENGINEER:	Legal Owner(s).
THULLEE ENGIZ., INC.	John Corbitt For Myself & All Owner (Type or Print Name)
Signature Ser	Signature Signature
304 W. PENNSYLVANIA AUE.	(Type or Print Name)
Tow So N, M) 2/204 City State Zipcode	Signature
Attorney for Petitioner.	a:griature
John V. Murphy, Esquire (Type or Print Name)	105 North Rolling Road 788-2724 Address Phone No
Sofor V. Mucho	Catonsville, Maryland 21228
Signature Murphy	City State Zipcode Name, Address and phone number of representative to be contacted.
14 North Rolling Road (410)744-	-4967 JOHN V. MURPHY
Catonsville, Maryland 21228 City State Zipcode	-4967 JOHN V. MURPHY  Name  144, ROLLING RD. 744-4967  Address Phone No.
Appear Admin	ESTIMATED LENGTH OF HEARING Unavailable for Hearing
	the following dates Next Two Months
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MICROFILMED	

# 179

Paul Log P.C.

Paul Lee Engineering Inc.
304 W. Ponnsylvania Avo.
410-821-5941

#### DESCRIPTION

#### #614 OLD EDMONDSON AVENUE

#### ELECTION DISTRICT 1C1 - BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the north side of Old Edmondson Avenue, said point also being located Easterly - 265 feet <sup>+</sup> from the center of Ingleside Avenue; thence leaving said north side of Old Edmondson Avenue (1) N 14<sup>o</sup>21'25" W - 112.80 feet, thence (2) N 74<sup>o</sup>45'35" E - 183.02 feet and (3) S 14<sup>o</sup>21'25" E - 115.65 feet to the north side of Old Edmondson Avenue, thence binding on the north side of said Old Edmondson Avenue, (4) S 75<sup>o</sup>38'35" W - 183.00 feet to the point of beginning.

Containing 0.4799 acres of land more or less.



J.0. 96-034 9/23/96

MCiOHLMED

BALTIMORE COUNTY, MARYLAND
OFFICE TINANCE-REVENUE DIVISION
MISCELL\_NEOUS CASH RECEIPT

DATE 10-16-96 ACCOUNT 01-615

That 179

RECEIVED Corbitt John-614 QL Edmondson Average Corbitt Jo

DISTRIBUTION
VINITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

## CERTIFICATE OPPOSTING

RE: Case No.: 97-1794
Petitioner/Developer:
John CORBITT
Date of Hearing/Clesing: Nov. 15, 1996
•
f perjury that the necessary sign(s) required by law located at 614 OLD ED MONDSON  THEY CAND 21228
T. 29, 1996
( Month, Day, Year)
Sincerely,
(Signature of Sign Poster and Date)  (Signature of Sign Poster and Date)  (Printed Name)  325 Nichokson Roap  (Address)  (Address)  (Ballimer, Majelan) 2122,
]



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Baltimore County
Department of Permits and
Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

	ARNOLD J	ABLON,	DIRECTOR
For newspaper advertising:			
Item No.: 179			
Petitioner: JOHN CORBITT		. <u></u>	
Location: 614 OLD EDMONDSON	1 AVE		
PLEASE FORWARD ADVERTISING BILL TO:			
NAME: JOHN. CORBITT			
ADDRESS: 105 N. ROLLING RD			
CATONEVILLE, MD.	2/27	18	
PHONE NUMBER: 788-2724			
AJ:ggs		(Rev	ised 09/24/96)

9/96 post.4.doc

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than
Format for Sign Printing, Black Letters on White Background:
ZONING NOTICE
Case No.:
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
PLACE:
REQUEST: to permit a rear yard of 1 ft. in lieu of 20ft and to permit 19 parking in lieu of 26
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.  DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE

TO: PUTUXENT PUBLISHING COMPANY
October 31, 1996 Issue - Jeffersonian

Please foward billing to:

John Corbitt 105 N. Rolling Road Catonsville, MD 21228 788-2721

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-179-A (Item 179)
614 Edmondson Avenue
N/S Old Edmondson Avenue, 265'+/- E of c/l

N/S Old Edmondson Avenue, 265'+/- E of c/l Ingleside Avenue 1st Election District - 1st Councilmanic Legal Owner(s): John Corbitt

Variance to permit a yard of 1 foot in lieu of the required 20 feet; and to permit 19 parking spaces in lieu of the required 26 parking spaces.

HEARING: FRIDAY, NOVEMBER 15, 1996 at 10:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

October 25, 1996

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-179-A (Item 179)
614 Edmondson Avenue
N/S Old Edmondson Avenue, 265'+/- E of c/l Ingleside Avenue
1st Election District - 1st Councilmanic
Legal Owner(s): John Corbitt

Variance to permit a yard of 1 foot in lieu of the required 20 feet; and to permit 19 parking spaces in lieu of the required 26 parking spaces.

HEARING: FRIDAY, NOVEMBER 15, 1996 at 10:00 a.m. in Room 106, County Office Building.

Arnold Jablon

Director

cc: John Corbitt

Paul Lee Engr., Inc. John V. Murphy, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY OCTOBER 31, 1996.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of November, 1996, a copy of the foregoing Entry of Appearance was mailed to John V. Murphy, Esq., 14 N. Rolling Road, Baltimore, MD 21228, attorney for Petitioners.

Peter Mary Zimmeran

# PETITION PROBLEMS

## #179 --- MJK

1. Need names, addresses, and signatures of ALL legal owners.

10/21/96

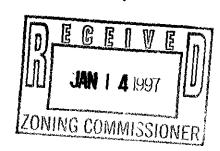
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### MURPHY & MURPHY, L.L.C.

Attorneys At Law
14 NORTH ROLLING ROAD
CATONSVILLE, MARYLAND 21228-4848
Tel (410) 744-4967
Fax (410) 744-8936

January 9, 1997

Honorable Timothy Kotroco
Deputy Zoning Commissioner for Baltimore County
Baltimore County Zoning Commissioner
Office of Planning and Zoning
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204



RE: Petition for Variance by John Corbitt, et al. Case No.: 97-179-A

Dear Mr. Kotroco:

Enclosed please find the lease for three parking spaces which you required in your November 26, 1996 Order. Please accept this lease for filing with your office in regard to the above-referenced case.

Thank you for your cooperation.

Very truly yours,

John mughy

John V. Murphy

JVM:dnp Enclosure

cc: John Corbitt

C:\OFFICE\WPWIN\DOCS\DAILYS\JAN97\JAN9.JVM



#### LEASE AGREEMENT

This Lease Agreement made this day of 1996 between the Breslin Agency, Inc., a Maryland Corporation, (herewith called the "Landlord") and John G. Corbitt (hereinafter called the "Tenant")

WHEREAS the Landlord owns commercial property known as 616 Old Edmondson Avenue, Catonsville, Maryland which is subject to a site plan recorded in the Zoning Records of Baltimore County dated August 17, 1964 and,

WHEREAS said site plan indicates that the Landlord has three parking spaces above the minimum required by Baltimore County Zoning Regulations and,

WHEREAS John G. Corbitt and others own commercial property known as 614 Old Edmondson Avenue and.

WHEREAS, John G. Corbitt has applied for and been granted certain zoning variances pursuant to the Zoning Commissioner's ruling on November 15, 1996 which requires the Tenant to lease three parking spaces to comply with Tenants site plan of September 23, 1996 as amended.

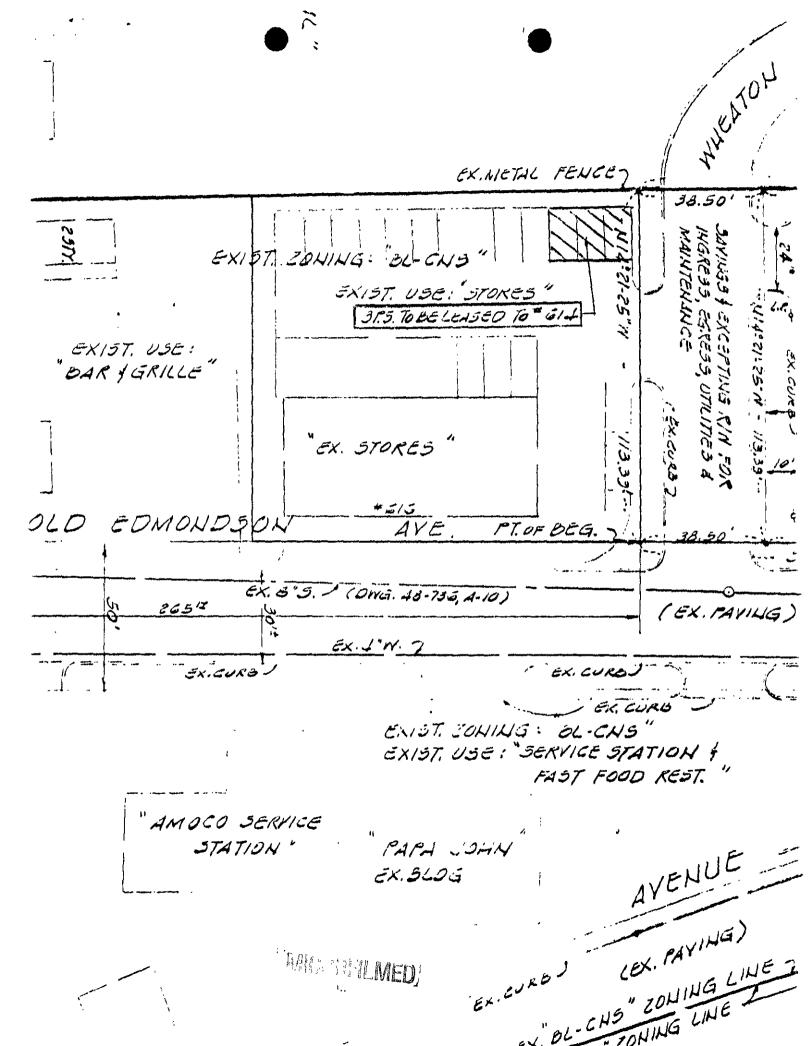
NOW THEREFORE, in consideration of Ten Dollars and other good and valuable considerations paid by Tenant to Landlord, receipt of which is acknowledged by Landlord,

1) The Landlord leases to Tenant the three parking spaces shown on the attached sketch plan for Tenants use.

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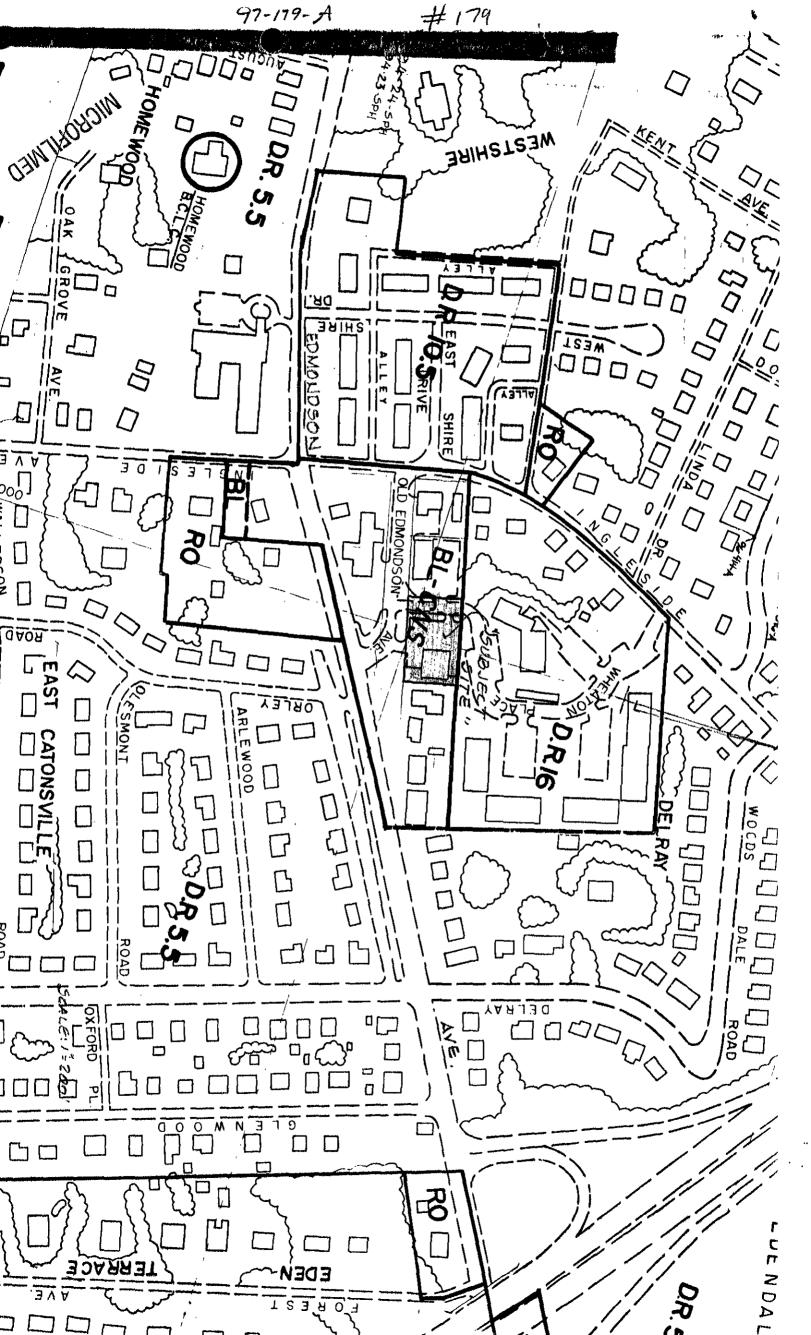
2) The term of this lease shall	be ten (10) years.
3) The annual rent shall be	, payable on or before January 5th of each and
every year following this Agreement.	
4) The Landlord shall repair	and maintain said parking spaces in the normal course of
repairing and maintaining the Landlor	d's parking lot containing said lots.
WITNESS the hands and seal	s of the Parties:
WITNESS	For Breslin Agency, Inc.:    Comment   Comment
	For Owners of 614 Old Edmondson Avenue:
WITNESS	Soan Coult (SEAL) Agent/Tenant
c;\wswin\docs\clients\corbitt\corblea.agr	ta

(MCROFILME)

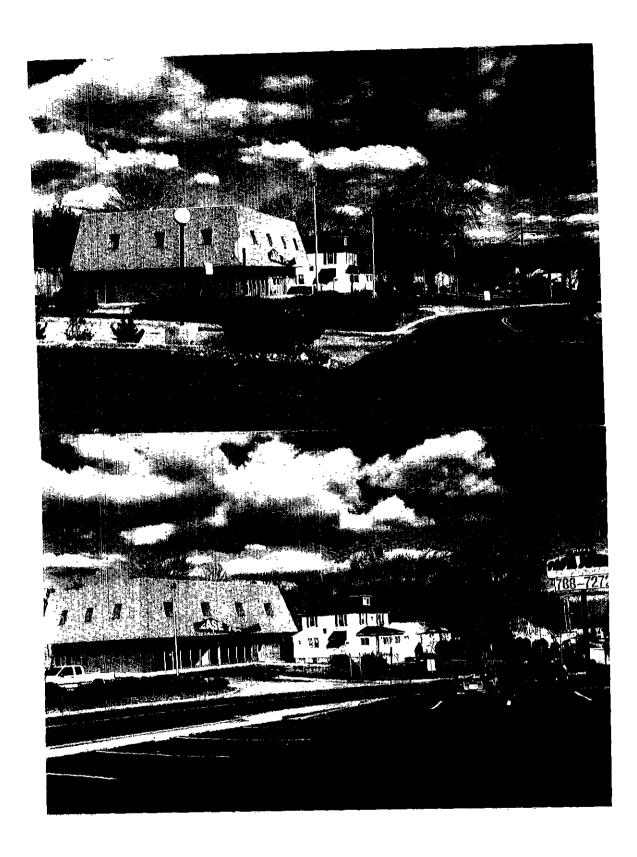


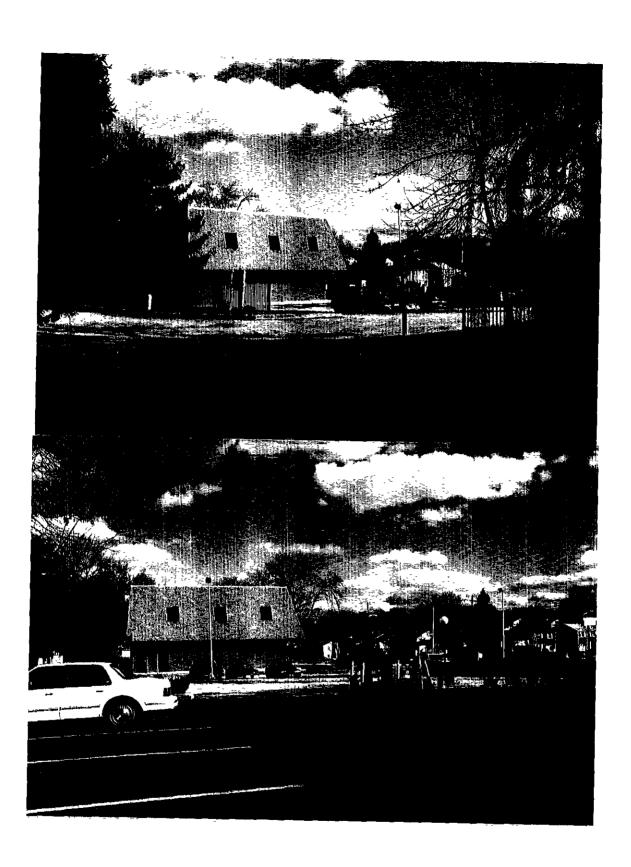
#### PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
John Corbitt	105 N. Rolling Ad Catonsiille 21238
John Corbitt  PAUL CEE	304 W. PENNSYLVAVIA AUS YLOX
JOHN V. MURPHY	14 N. ROLLING RD CATONEWILLE
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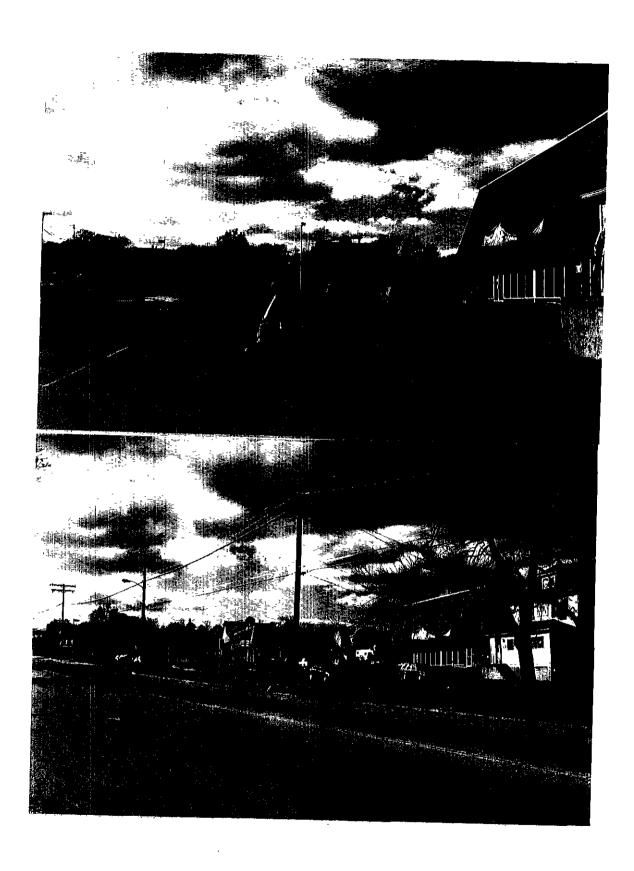


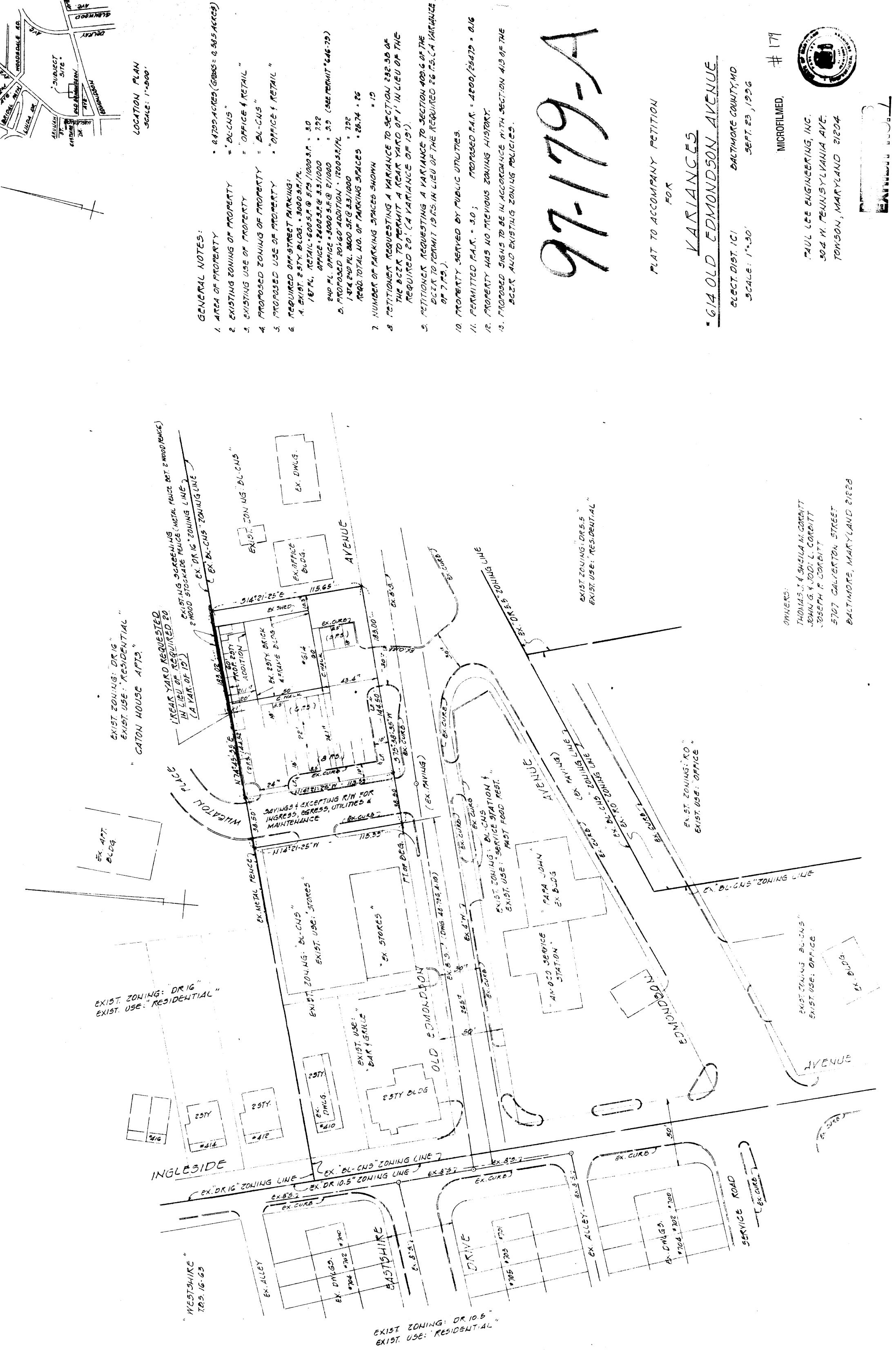
Petitioner's Cyclibis 3A-3G Abstographs Case 97-199-A



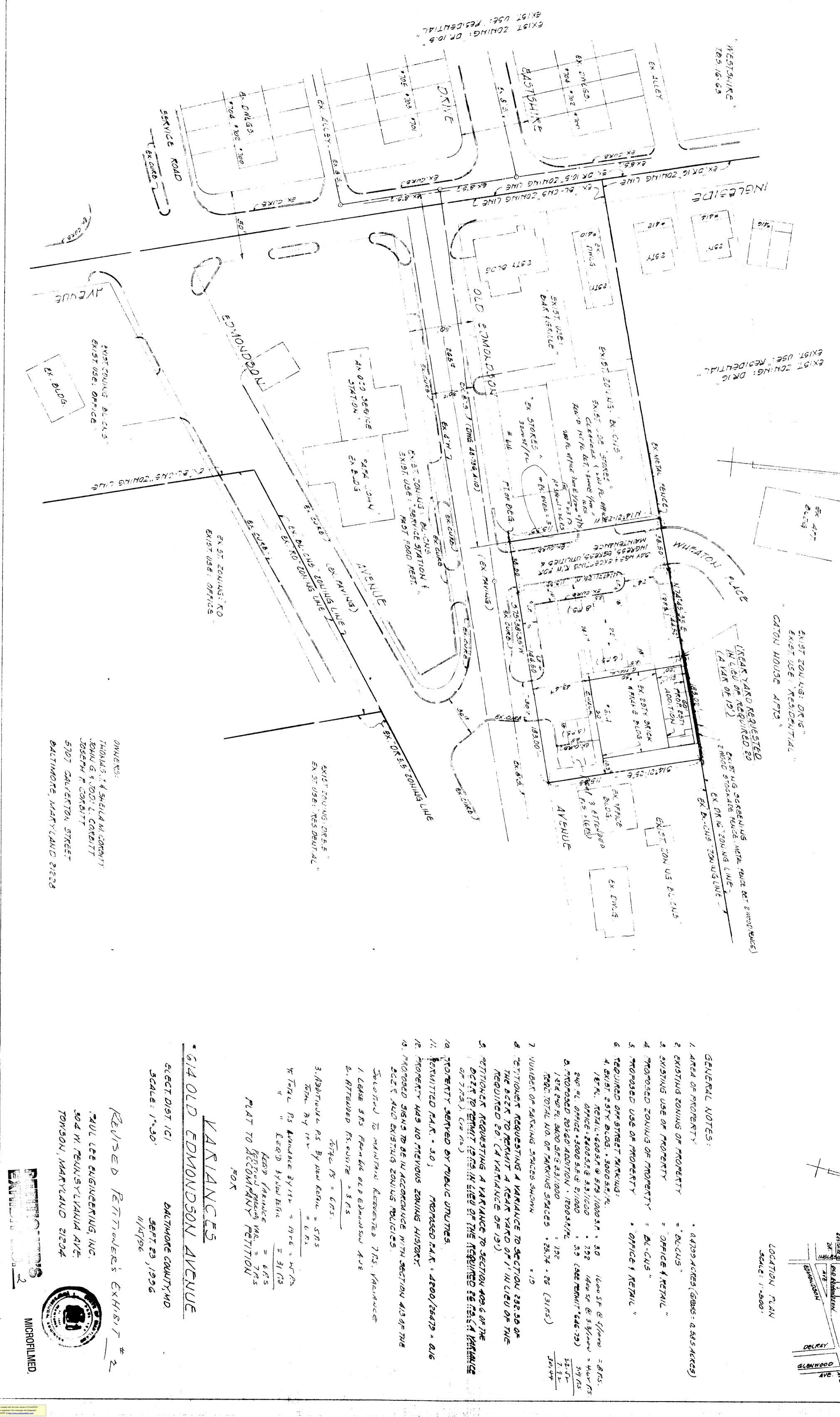








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EDMONDSON

DELRAY

MOODSDALE

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